REMARKS

A correct status identifier has been added to claim 1 and Claim 17 has been identified as a canceled claim. Originally, two claims identified as claim 18 were presented. The second listing of claim 18 has been eliminated by this amendment.

The finality of the restriction requirement has been noted.

Claims 13 and 14 have been amended to delete the term "any" in line 1. This amendment avoids the bases for the objections to these claims.

Claims 1-10, 12 and 30-34 were rejected under 35 U.S.C.§102(b) as being anticipated by Samejima and claims 1-12 and 30-33 were rejected under 35 U.S.C. 102(b) as being anticipated by Favour et al.(Favour).Claims 6 was rejected under 35 U.S.C.§103(a) over Samejima in view of Kjornaes et al. (kjornaes).

Reconsideration is requested in view of this amendment.

Claim 1 has bee amended to include a recitation of the process for making the pellets. Support for this amendment is found in original claim 16 and in the specification at pages 15 and 16. The Samejima patent discloses the making of coated granules in a fluidizing granulator which is distinctly different from the procedure recited in amended claim 1. The apparatus used in making the product of claim 1 results in a more dense pellet where the pellets are denser that the pellets of Samejima and are also very uniform as to the size distribution of a batch of pellets, Pellets may be made which have controlled release properties depending on the rotor speed employed. These properties are not found in the pellets made by Samejima and for these reasons, it is requested that this ground of rejection be withdrawn.

The Favour patent was applied as teaching a dosage form comprising an active in a core. The Favour dosage form

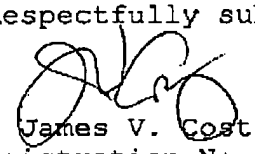
is an osmotic device which does not have a core that is made from a dry, free flowing, inert powder as pointed out in claim 1. As noted above, the amended text of claim 1 points out a distinctly different process for making a pellet which results in a pellet that is very dense and is made using a different apparatus from that used by Favour.

The Kjornaes patent does not a pellet that is made from a dry free flowing powder using the process of amended claim 1. This pellet is dense and has a structure which is made the technique of amended claim 1. Claim 1 is not made obvious by the combined teachings of Samjima and Kjornaes who do not make pellets using a core of microcrystalline cellulose. For these reason, it is requested that this ground of rejection be withdrawn.

The provisional double patenting rejection is premature as no allowable subject has been identified in the copending application. For this reason, it is requested that this ground of rejection be held in abeyance.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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